

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

ALLEN PAYETTE,

Plaintiff,

ORDER

07-cv-242-bbc

v.

SHERIFF HORNISCH, BOB DICKMAN,  
WILLIAM BEAUDRY, SETH WISKOW,  
DEBRA GLEASON, CARY PELLOWSKI,  
SHEILA WESTCOTT, MICHAEL SCHAEFER  
and DENNIS ROTHERING,

Defendants.

---

On July 7, 2008, the Court of Appeals for the Seventh Circuit affirmed Judge John C. Shabaz's decision to grant summary judgment to the defendants on plaintiff's claims that defendants used excessive force against him, denied him access to the courts and religious freedom and were deliberately indifferent to plaintiff's serious medical needs regarding the bandaging of plaintiff's arms. However, the court vacated the decision to grant summary judgment to defendants on plaintiff's Eighth Amendment claims that 1) jail officials disregarded the recommendation that he receive mental health treatment and instead kept him in shackles and painful restraints for a seven day period before he was transferred from

the jail; and 2) defendants performed a strip search on plaintiff in a manner intended to humiliate him and inflict psychological pain. On August 11, 2008, I stayed all proceedings in this case pending appointment of counsel for plaintiff.

Before I located a lawyer to appoint for plaintiff, Adam Walsh filed a notice of appearance indicating that he had been retained to represent plaintiff in this action. Therefore, plaintiff's motion for appointment of counsel will be denied as moot.

Prior to retaining counsel, plaintiff filed a motion to add new witnesses and exhibits. This motion will be denied. Plaintiff's lawyer may file any motions that he wishes the court to consider. I will now lift the stay in this case and the clerk is directed to schedule a status conference before the magistrate judge to establish a new calendar for this case.

ORDER

IT IS ORDERED that the stay imposed in this case is LIFTED and plaintiff's motion for appointment of counsel (dkt. # 60) and to add new witnesses and exhibits (dkt. # 63) are DENIED.

Entered this 15<sup>th</sup> day of September, 2008.

BY THE COURT:

/s/

---

BARBARA B. CRABB  
District Judge